

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John L. Giulietti,

FINAL DECISION

Complainant

Docket #FIC84-239

against

May 8, 1985

Town of Vernon, Vernon
Town Council

Respondents

The above captioned matter was heard as a contested case on February 22, 1985 at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. The respondent council held a regular meeting on October 16, 1984 during which it convened in executive session "Relative to the Town of Vernon Self-Insuring All Town Employees for Health Insurance."

3. By letter of complaint filed with the Commission on November 14, 1984 the complainant, who is a member of the Vernon town council, alleged that the respondent council's October 16, 1984 executive session was not convened for a proper purpose within the meaning of §1-18a(e), G.S.

4. In his complaint the complainant also alleged that conduct of the respondent council at the October 16, 1984 meeting violated provisions of the Vernon town charter. Such allegations, however, are not within the jurisdiction of this Commission.

5. At hearing, the respondents moved to dismiss the complainant's complaint on the ground that, being a member of the respondent council and having had access to the executive session in question, the complainant was not aggrieved by the respondents' actions, which motion was denied.

6. It is found that on October 16, 1984 an arbitration proceeding was pending regarding a grievance filed by the Vernon Education Association in response to Vernon's decision to self-insure.

7. The respondents claim that the October 16, 1984 executive session was held to explain to members of the respondent council how self-insurance would help to resolve the pending grievance, what negotiations were going on and what effect the choice of self-insurance would have on the pending arbitration proceeding.

8. It is found that while convened in executive session the respondent council discussed the effects and costs of self-insurance as well as the effects of self-insurance on the pending arbitration proceedings.

9. It is found that to the extent that the October 16, 1984 executive session involved a discussion of the mechanics of self-insurance, such discussion was not a proper purpose for an executive session within the meaning of §1-18a(e), G.S.

10. It is found, however, that to the extent that the discussion in executive session constituted strategy with respect to collective bargaining, such discussion did not constitute a meeting within the meaning of §1-18a(b), G.S.

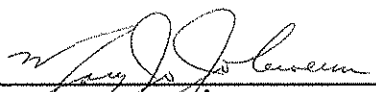
11. It is concluded that to the extent that the discussion in executive session constituted strategy with respect to collective bargain, the exclusion of the public from such session did not violate §1-21(a), G.S.

12. The respondents requested that a civil penalty be assessed against the complainant on the ground that the complaint was brought frivolously, without reasonable grounds and solely for the purpose of harassing the respondents, which request is hereby denied.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. The respondent council shall henceforth convene in executive session only for one or more of the proper purposes described at §1-18a(e), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of May 8, 1985.



Mary Jo Jolicoeur
Clerk of the Commission